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2  
3 UNITED STATES DISTRICT COURT

## 4 DISTRICT OF NEVADA

5 VERNON MARTIN,

Case No. 3:23-cv-00105-RCJ-CLB

6 Petitioner,

**ORDER GRANTING  
UNOPPOSED MOTION  
FOR STAY**

7 v.

8 TIM GARRETT, et al.,

**[ECF No. 10]**

9 Respondents.

10 Petitioner Vernon Martin initiated this habeas corpus action on or about March 16, 2023.  
11 (ECF No. 1.) On June 26, 2023, the Court appointed the Federal Public Defender to represent  
12 Martin and gave Martin 90 days to file an amended petition or seek other appropriate relief. (ECF  
13 No. 9.) Martin has timely complied by filing a motion for stay. (ECF No. 10.) In his motion, Martin  
14 states that his initial state post-conviction proceedings are still ongoing and that he filed his federal  
15 habeas petition as a protective petition. *See Pace v. DeGuglielmo*, 544 U.S. 408, 416–17 (2005).  
16 Respondents do not object to a stay. (ECF No. 10 at 2.)

17 **IT IS THEREFORE ORDERED** that Petitioner Vernon Martin’s unopposed motion for  
18 stay (ECF No. 10) is granted. This action is stayed while Martin completes his state habeas  
19 proceedings. The Clerk of the Court is directed to administratively close this case.

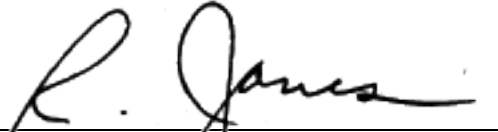
20 **IT IS FURTHER ORDERED** that following the conclusion of Martin’s state-court  
21 proceedings, Martin must, within 45 days, file a motion to lift the stay in this action.

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1       **IT IS FURTHER ORDERED** that this action will be subject to dismissal if Martin does  
2 not comply with the time limits in this Order, or if he otherwise fails to proceed with diligence  
3 during the stay.

4       Dated: September 25, 2023

  
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ROBERT C. JONES  
UNITED STATES DISTRICT COURT